

## Police Ombudsman's urgent review

**On 5 September CJI published its report into the operational independence of the Office of the Police Ombudsman for Northern Ireland (OPONI).**

The Police Ombudsman had asked the Chief Inspector of Criminal Justice to undertake an urgent independent review of the relationship between the OPONI and the Police Service of Northern Ireland (PSNI). This followed allegations made by the OPONI Chief Executive of a "significant lowering of the professional independence between our operations (OPONI) and those of our key stakeholder, the PSNI".

A separate review by Tony McCusker was published in June 2011 reporting on the OPONI Chief Executive's allegations that Department of Justice officials:

- "have interfered and meddled in the affairs and governance of the Office;" and
- "have made false and malicious allegations against the Chief Executive."

The terms of reference of the CJI inspection were to 'assess the operational independence of the Office of the Police Ombudsman in its relationship with the PSNI and examine any specific issues that could be said to undermine the independence of the Office'. Our report set out the findings, analysis and recommendations of the inspection based on fieldwork which took place during May and June 2011.

Inspection fieldwork comprised interviews with the Police Ombudsman, senior officials in the OPONI and a range of other staff including investigators and administrators. The



former Police Ombudsman, a former Director of Investigations and a former Senior Investigating Officer were also interviewed. A range of statistical data was examined along with administrative records, current and historical investigation reports and correspondence including e-mails.

Members of the Committee on the Administration of Justice, the British Irish Rights Watch and The Pat Finucane Centre were interviewed. Families' legal representatives, the PSNI Chief Constable and other senior PSNI officers were also spoken with.

Inspectors reviewed investigation reports as part of this inspection to obtain a view as to whether the operational independence of the OPONI had been reduced. Inspectors are not investigators and this exercise did not amount to the reinvestigation of any specific reports. They were examined to assist in addressing the inspection aim and objectives and to explore specific allegations made by the OPONI Chief

Executive relevant to the terms of reference.

The inspection report made a number of findings. Firstly, that the legislative base for the work of the Ombudsman is solid and provides the necessary framework for the operation of an independent police complaints body. Moreover, there are a number of operational protocols in place that help to define the nature of the relationship between the OPONI and the Police. In addition, during the course of the inspection, with some exceptions, we did not hear any significant concerns over the ways in which the OPONI deals with current cases.

The inspection identified a number of significant concerns over the ways in which the Office conducts investigations into historical cases. These included an inconsistent investigation process, a varied approach to communication with stakeholders and differences in how reports were quality assured. Inspectors found that senior management were divided around the production of reports

*Continued on page 2*

into historical cases and there was a fractured approach to governance and decision making. The investigative process used in historical cases had been buffeted from a number of different directions and the handling of sensitive material was also considered problematic.

The report concluded that the flawed nature of the investigation process in historic cases, divisions within senior

management and concerns around the handling of sensitive material had undermined confidence in the work of the OPONI among some staff and key stakeholders. These issues had led to a lowering of the operational independence of the Office.

The report made six recommendations for change. Critical amongst these is that the OPONI should suspend

historical case investigations, except those currently being pursued jointly with the PSNI, until the Strategic Plan for the Historic Investigations Directorate has been adequately resourced and becomes fully operational.

The Chief Inspector of Criminal Justice presented the findings of the report to the Justice Committee at Stormont on 8 September 2011. ■

## Inspector attends Council of Europe National Preventative Mechanism workshop in Estonia

**As outlined in the last issue of *The Spec*, CJI is part of the UK's National Preventative Mechanism (NPM) for the prevention of torture and other cruel, inhumane or degrading treatment or punishment.**

The NPM aims to fulfil Article 3 of 'The Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT)'. The OPCAT is an international human rights treaty designed to strengthen the protection of people deprived of their liberty. Article 3 requires state parties to 'set up, designate or

maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhumane or degrading treatment or punishment'.

In June Inspector Rachel Lindsay attended a workshop on behalf of the UK NPM in Tallinn, Estonia. The workshop was part of a series arranged by the Council of Europe/European Commission to set up an active peer-to-peer network of NPMs. A total of 17 countries from across Europe attended, as well as representatives from the United Nations Sub-Committee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the SPT),

the European Committee for the Prevention of Torture (the CPT) and the Association for the Prevention of Torture (the APT).

The topic of the main workshop was collecting and checking information during an NPM visit. There was also a preliminary briefing on the setting up of a European NPM Independent Medical Advisory Panel. The key issues raised were the need to:

- collect information from a variety of sources (registers and documents, medical files, interviews with detainees, interviews with staff);
- conduct team debriefs to cross-check information; and
- identify risk patterns and triangulate evidence.

Much of the content of this workshop was familiar to UK inspection bodies who have been collecting and checking such information for a number of years, but it also served as a useful reminder about the need to ensure full investigation and robust evidence.

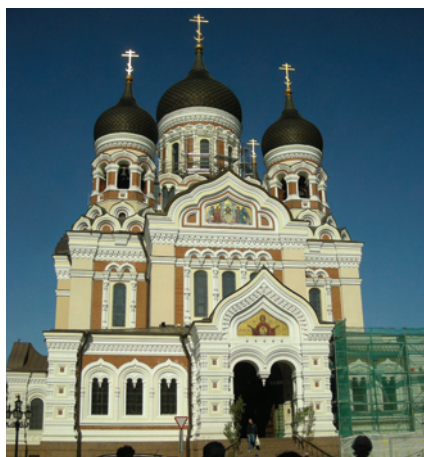
As part of the visit, Rachel also presented a session on NPMs experiences of allegations of active





ill-treatment using examples from across the UK of issues identified by inspection bodies. In addition, the workshop provided a great opportunity to network and share experience with other NPMs.

Finally the hosts from the Estonian NPM, the Office of the Chancellor of Justice, organised some evening activities which provided attendees with an insight into the history of Estonia. The country lies on the



Baltic Sea and the Gulf of Finland, and is bordered by Latvia and the Russian Federation. It has had a turbulent past, being at various stages, part of Denmark, Sweden, the Soviet Union and independent on two occasions; the second period being from 1991 until the present day. It therefore has a fascinating history in terms of political rule, culture, language and economy and Tallinn, the capital, is a beautiful city and well worth a visit. ■

## Customer service must be at the forefront for PSNI

**In May 2011 CJI published its report of an inspection into PSNI Customer Service, which focused on how service users were dealt with by the Police, how their needs were met and how this could impact on the outcomes for both the individual and the organisation. The report highlighted the need for the Police Service to deliver against its stated intent of delivering Personal, Professional and Protective policing to local communities (the three P's).**

The inspection found that overall customer service was taken seriously by senior management within the PSNI. CJI commended the commitment shown to improving how the police engage with the communities by the Chief Constable and welcomed the work which was ongoing to translate this vision of Personal, Professional and Protective policing into day-to-day service delivery.

However Inspectors found evidence that in the absence of widely understood guidance and direction about what this meant for service delivery, some police districts had developed their own strategies and approaches. This initial lack of clarity meant the Chief Constable's commitment was being interpreted in different ways across some districts which could lead to a lack of consistency for those receiving a



service from the PSNI.

Inspectors therefore recommended that there should be a clear communication strategy as to how the PSNI intends to deliver against this commitment, and this strategy was being developed at the time of the inspection. It was also recommended that the work should be underpinned by better co-ordination of other improvement projects across the organisation.

The inspection indicated there was



an inconsistent approach in the Police Service to how telephone calls were handled and how victims of crime were updated and kept informed. This was a common source of dissatisfaction from stakeholder organisations, members of the public and victims of crime. The Police Service had begun a work programme to address these issues around contact management and updating and Inspectors look forward to the outcomes of this.

The inspection report also highlighted the need for the PSNI to make customer service central to the work of all staff by ensuring it became embedded in its performance management and development system. ■

(Pictures of Maydown Contact Management Centre produced by kind permission of the PSNI).

# CJI Annual Report – local accountability in action

Commentary by Dr Maguire

**2010-11 was another busy year for Criminal Justice Inspection Northern Ireland (CJI) during which we published 10 full inspection reports and five follow-up reviews. In total we submitted 15 full inspection reports to the Minister of Justice. A significant component - around 50% - of our work this year has been in relation to thematic inspections. These are inspections that consider those issues cutting across more than one justice organisation.**



**Dr Michael Maguire, Chief Inspector**

Looking back on the year, what lessons can be learned? Again and again, many of the problems identified in the inspection reports related back to the relationships between the different justice agencies. As we examine the journey of an individual through the justice process, we see that from their perspective it can be a fragmented, slow and disjointed experience. Improving working relationships to become more effective across the justice organisations can be achieved without damaging the importance and perception of operational independence.

The fragmented nature of accountability within the justice system has provided a barrier to

effective working. Under direct rule, three different Government departments were responsible for aspects of the justice system. The devolution of policing and justice transferred most of the responsibility for the justice organisations to a local Minister. My interaction with the Minister over the past year has been very positive and I would like to thank him for his support. In addition to quarterly briefings, he has been briefed on the contents of specific reports. As part of these discussions, I am pleased to advise that the Minister has initiated changes to the current arrangements aimed at strengthening the monitoring of progress against the delivery of CJI recommendations. This will strengthen local accountability.

The situation regarding the Public Prosecution Service (PPS) is less clear and we would urge action on the governance role of the Attorney General for Northern Ireland. The Minister intends to issue a consultation document on the governance and accountability arrangements for the PPS. I would like to see the issue of monitoring arrangements for CJI recommendations directed towards the PPS as part of that consultation exercise.

There is also a new player on the field in relation to accountability, the Justice Committee. CJI briefed the Committee on a number of occasions and it demonstrated a real potential to address cross-cutting issues within the justice system. Overall, it has provided an important platform upon which to build a more effective governance and accountability framework.

What is clear is that having a local Minister and Justice Committee sharpens the focus of the justice organisations and makes their agendas more relevant to the needs of local people. While it is too early to see whether the overall accountability framework has achieved tangible results, the past year has seen significant political interest in the work of the inspectorate. CJI is ready and willing to play its role in providing an independent, impartial and objective assessment of what is happening across the justice system to assist others in the decision-making process. In all of this interaction, the independence and impartiality of the inspectorate has been preserved and I believe strengthened. The 2010-11 Annual Report is available in full on [www.cjini.org](http://www.cjini.org).

# Agencies must continue to work together on Public Protection

**CJI published an important report on Public Protection Arrangements Northern Ireland (PPANI) on 13 June 2011. This was the fourth inspection of public protection arrangements here.**



The management of serious offenders in the community is a high profile and important aspect of the criminal justice system. However it cannot provide the total containment afforded by

imprisonment. While no set of arrangements can eliminate risks completely, it is imperative the agencies do all that is reasonably possible in this important area of their work.

We were pleased to report progress by each of the agencies involved in delivering the public protection arrangements and it was evident that previous inspection recommendations had been implemented.

Introduction of legislation which placed public protection arrangements on a statutory footing has been beneficial in the management of sex offenders. Other improvements included increased use of court orders to manage sex offenders, greater consistency in practice and improved managerial oversight.

Development of a co-located Public Protection Team – which is staffed by experienced police and probation officers working together to manage offenders who are assessed as posing the highest risk, and requiring the most intensive level of supervision – was welcomed as it has provided a level of reassurance that did not previously exist.

Police Service of Northern Ireland (PSNI) officers involved in public protection work were more confident, more experienced and had access to better resources than before.

The Probation Board for Northern Ireland was found to invest a significant amount of financial and human resources in offender management and the contribution of Social Services had significantly improved through the involvement of dedicated personnel.

The important contribution made by Northern Ireland's hostels in support of PPANI was also commended. However the Northern Ireland Prison Service needs to improve its contribution to the PPANI process through greater engagement with PPANI training and strengthening its delivery of Offending Behaviour Programmes.

Inspectors highlighted that while new PPANI procedures have raised the profile of victims, staff must ensure they do not become focused solely on the process of risk management and strive to keep victims at the heart of their work.

Inspectors made 13 recommendations aimed at consolidating progress. These included two strategic recommendations, the first of which relates to chairing the PPANI Strategic Management Board. The second addresses the inclusion of potentially dangerous persons within the PPANI framework. It aims to lessen the burden on the PSNI which has responsibility for managing the risk posed by the majority of these offenders, while ensuring the critical few who merit PPANI supervision continue to be included. ■

## CJI attends The Laramie Project

**Representatives from CJI recently enjoyed an evening at Belfast's Lyric Theatre watching *The Laramie Project* as part of Belfast Pride 2011.**

The play, delivered by The Dundonald Association of Music and Drama, told the true story of Matthew Shepherd who was murdered in Laramie, Wyoming.

The event was supported by the Northern Ireland Policing Board, in partnership with The Rainbow Project and the Board's Lesbian, Gay, Bisexual and Transgender (LGBT) Reference Group.

Dr Michael Maguire, Chief Inspector, and John Gallagher of CJI were delighted to be able to attend the event. Dr Maguire said "I was very pleased to attend the event in the Lyric Theatre and welcome the opportunity to engage with The Rainbow Project".

He continued "The Laramie Project focused on the issue of hate crime which has been a theme of inspection work over the years. It brought into sharp focus the continued need to address the issue of hate crime in Northern Ireland." ■



**Pictured are John Gallagher CJI, John O'Doherty, Director of The Rainbow Project and Dr Michael Maguire Chief Inspector CJI.**



# CJI engages with new Justice Committee

On 30 June 2011 the Chief Inspector and Deputy Chief Inspector of CJI gave an overview of the organisation and its workings to the new Committee for Justice.

The overview included a brief description of the background and development of the organisation, the objectives of the inspectorate, the staffing and current budget allocation.

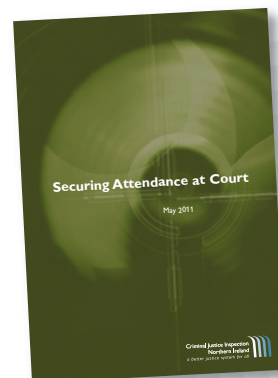
The Chief Inspector also outlined the significant body of work undertaken by the inspectorate in 2010 and how it is feeding into the wider public and political debate on the functioning of the criminal justice system. The Committee were also interested to hear about the forthcoming reports which are likely to be the subject of further briefings and discussion after publication.

The Chief Inspector believes that the engagement with the Committee for Justice will strengthen overall governance and accountability arrangements within the criminal justice system, an aspiration shared by the members of the Committee. Committee members were keen to hear how the inspection programme had been developed and were reassured that in future years they would be part of the consultation process. ■



# Securing attendance at court is pivotal to its operation

The importance of securing the attendance of victims, witnesses and defendants at court to allow criminal cases to proceed without delay was highlighted in an inspection report published by Criminal Justice Inspection Northern Ireland (CJI) in June 2011.



The report looked at the ways the Police Service of Northern Ireland (PSNI), the Public Prosecution Service (PPS) and the Northern Ireland Courts and Tribunals Service (NICTS) worked to ensure victims, witnesses and defendants were present at court.

“The attendance of victims, witnesses and defendants in criminal cases is central to the efficient and effective operation of the courts. It is often the case that when one or more of the key individuals are not present, adjournments occur which slows the justice system down and increases costs,” said the Chief Inspector, Dr Michael Maguire.

Inspectors found that communication could be improved and the exchange of contact information for victims and witnesses between the PSNI and the PPS was not as effective as it could be.

Improving the PPS’s access to the PSNI’s computerised duty system has also been recommended as a way of helping it to quickly ascertain the availability of police officers required to attend court. This would reduce the time and resources spent by PSNI and PPS staff in securing this information.

The inspection into *Securing Attendance at Court* also looked at ways in which the PPS could improve the training provided for staff to ensure those involved in liaising with victims and witnesses, could provide an improved level of service.

Dr Maguire concluded by recommending the PPS also review the working practices and accessibility of staff involved in contacting victims and witnesses along with the technology available to them to further improve attendance rates at court. ■

## Need a quick overview of a CJI report?

View our new **Ebooks** providing key findings of our inspection reports

Visit [www.cjini.org/Ebooks](http://www.cjini.org/Ebooks)



# CJI continues its charity fundraising

Continuing on from CJI's fundraising success in 2010 on behalf of the Northern Ireland Children's Hospice, this year members of staff are starting to organise an event aimed at raising money for another very worthy cause, the Stroke Unit at the Ulster Hospital.

Every year in Northern Ireland around 3,000 people will suffer a stroke. Stroke is the third biggest killer and the leading cause of severe disability in Northern Ireland. A F.A.S.T. response to recognising the signs of a stroke is imperative and can affect rehabilitation around improving the quality of life of stroke survivors.

The stroke unit relies on charity donations to pay for specialist equipment that assists with the rehabilitation of stroke survivors. So



The Ulster Hospital based in Dundonald, Belfast.

|        |   |
|--------|---|
| FACE   | can the person smile, has their mouth or eye dropped?     |
| ARM    | can the person raise one or both arms?                    |
| SPEECH | can the person speak clearly and understand what you say? |
| TIME   | to call 999!  |

please keep posted to our website for details of what our fundraising activities will include and for information on how you can sponsor the team by making a donation. Alternatively contact Paula on (028) 9025 8018 or via email [paula.mhicartain@cjini.org](mailto:paula.mhicartain@cjini.org) or go to our fundraising page <http://www.justgiving.com/CJINI>.

Thank you!

## The next year for CJI...

On 23 June 2011 CJI published its Business Plan for 2011-12. The document sets out CJI's organisational goals in terms of its inspection work, communication activity and corporate business, as well as its proposed inspection programme for the financial year.

As part of the development of this inspection programme, CJI consulted with the Minister of Justice, David Ford MLA, the Attorney General for Northern Ireland, John Larkin QC, the Lord Chief Justice, Sir Declan Morgan QC and the Chairman and deputy Chairman of the Committee for Justice. Discussions also took place with the heads of the main criminal justice organisations, representatives from oversight and scrutiny bodies, voluntary and community bodies working within the criminal justice sector and representatives from academia.

This consultation process gave CJI reassurance that its core inspection agenda remained solid. A number of useful suggestions were also made in respect of the inspection programme which CJI has been able to reflect in the Business Plan.

We believe that the inspection programme will meet CJI's organisational objectives of promoting efficiency and performance improvement. It will also provide independent assurance on the working of the criminal justice system, external scrutiny of the treatment of users of the justice organisations and a strong basis for partnership working.

This year we propose to place greater emphasis on new communication methods including social media and our website as a means of dissemination. This will help reduce costs associated with the reports, adopt a greener approach to report production and open up new audiences for the work of the inspectorate. We have also set a number of organisational goals including meeting our statutory responsibilities and retention of our recently awarded ISO 9001 certification.

To access our Business Plan, go to [www.cjini.org](http://www.cjini.org).



# Good value in Probation's PSRs

**The high quality of Pre-Sentence Reports (PSRs) prepared by the Probation Board for Northern Ireland (PBNI) has been recognised in an inspection report published in June 2011 by CJI Inspectors.**

A PSR is provided by PBNI at the request of a Judge prior to sentencing. The PSR provides an analysis of offending behaviour, risk of harm and information on the range of available disposals that might be appropriate to the offender.

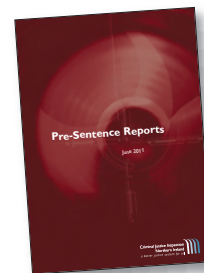
The aims of the inspection were to consider how the Probation Board assures quality control of PSRs, maintains continuous improvement and meets the demands of the users.

Whilst, the supervision and resettlement of offenders post-release is rightly seen as the major role of Probation, PSRs have a major impact on the outcomes for the offender pre and post-sentence as well as for the public at large.

Each year around 6,000 PSRs are provided to the court giving an assessment of the nature and causes of defendants' offending, the likelihood of re-offending, the risk of harm to the public, information on the range of appropriate disposals, areas to be addressed and additional measures.

The conclusions from the inspection were that PSRs provide Sentencers (primarily District Judges) with a high quality and objective assessment of an offender's likelihood to re-offend, an assessment of the risk of harm and a range of sentencing disposals to be considered. In surveys of Sentencers satisfaction levels exceeded 90% across a range of metrics.

The inspection concluded that there were clear arrangements in place for the quality control of PSRs and that there was a high degree of concordance between sentencing options and the options given in the PSR. The report also identified that with the demand for PSRs increasing the Probation Board faces challenging timescales to complete the reports within a robust quality



assurance framework and ensure that they continue to be

positively received by the courts. In 2010-11 99% of PSRs were delivered within the time set by the Judge (about 23 days from court hearing).

The PBNI accepted the Inspectors' recommendations to increase the use of Specific Sentence Reports (SSRs), where appropriate, and to engage with the Department of Justice concerning the potential use of PSRs as a vehicle towards influencing Community Sentence Orders.

Increasing the use of SSRs from the current level of 5% of reports to 35% is more cost effective as it meets the needs of the Judges in court with a reduced input from the PBNI and faster turnaround time. This will not only make better use of PBNI resources, it will also assist the delivery of court business. ■

## Getting the messages out...

**The Chief Inspector of Criminal Justice in Northern Ireland, Dr Michael Maguire, was invited to speak at the Annual Conference of the Northern Ireland Criminal Bar Association. This year's theme was Mental Health and Criminal Responsibility.**

Dr Maguire gave a presentation on the findings of the CJI report into the ways in which the criminal justice system deals with mental health issues. The primary message of *Not a Marginal Issue – mental health and the criminal justice system in Northern Ireland* published in March 2010 was that there needed to be a more co-ordinated and focused approach to the

delivery of mental health services that concentrated on the need to divert people away from custody where appropriate and provide the right care in the right setting.

The conference held at Queen's University Belfast (QUB), was opened by the Lord Chief Justice Sir Declan Morgan who commented on the CJI report as an important contribution to the overall discussion in this area. Other speakers included Professor Jill Preay, London School of Economics, Mr Justice Hart, Crown Court Judge and Rudi Fortson QC.

Dr Maguire also gave a presentation at the Agenda NI Conference on the

criminal justice system. The topic of the presentation was an overview of challenges facing the criminal justice system in Northern Ireland. The presentation set out a range of challenges facing justice organisations, as well as a number of thematic areas to be addressed including the need for better cross-departmental working and the impact of the fractured nature of governance and accountability arrangements. Speakers included Professor Shadd Maruna, QUB and Ronnie Armour of the Northern Ireland Prison Service.

Both presentations are available from the CJI website [www.cjini.org](http://www.cjini.org).